

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION: Mark Edward KANE, et al.

GROUP ART UNIT:

SERIAL NUMBER: New Application

EXAMINER:

FILED: Herewith

FOR: METHOD AND SYSTEM FOR AUTOMATICALLY ACTIVATING A WARNING DEVICE ON A TRAIN

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants wish to disclose the following information.

REFERENCES

- Applicants wish to make of record the documents listed on the attached Form PTO-1449. Copies of the listed documents were submitted in parent application 10/184,929, filed July 1, 2002, now allowed.

RELATED CASES

- Attached is a list of Applicants' pending applications and issued patents which may be related to the present application. Copies of the documents were submitted in parent application 10/184,929, filed July 1, 2002, or are attached.

CERTIFICATION

The undersigned certifies that

- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application for the first time (to the knowledge of the undersigned, having made reasonable inquiry) not more than three months prior to the filing of this statement.
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

BASIS FOR CONSIDERATION

This Information Disclosure Statement is filed:

- with the filing of the application
- ☐ without fee and within three months of the filing date of the application.
- ☐ without fee and within three months of the date of entry of the U.S. national stage.
- ☐ without fee and before the mailing date of a first Office Action on the merits (to the knowledge of the undersigned).
- ☐ without fee and with the appropriate certification above.
- ☐ without fee and with a new CPA application.
- ☐ without fee and with a Request for Continued Examination.
- ☐ with fee and before the mailing date of any of a Final Office Action, Notice of Allowance or an action that otherwise closes prosecution (to the knowledge of the undersigned).
- ☐ with fee, appropriate certification above, and before payment of the Issue Fee.

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 50-1442.

Respectfully submitted,

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| Form PTO 1449 U.S. DEPARTMENT OF (Modified) COMMERCE PATENT AND TRADEMARK OFFICE | | DOCKET NO. 3805-023-27 CONT | | | SERIAL NO. New Application | | |
|--|--------------------|---------------------------------------|-------------------|-----------------|-------------------------------|-------------------------------|--|
| LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary) | | APPLICANT Mark Edward KANE, et al. | | | | | |
| | | FILING DATE Herewith | | | GROUP ART UNIT | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE | |
| | A | 5,129,605 | Burns, et al. | | | | |
| | Θ | 6,459,965 | Polivka, et al. | | | | |
| | C | 6,081,769 | Curtis | | | | |
| | D | 6,218,961 | Gross, et al. | | | | |
| | E | 5,751,569 | Metel, et al. | | | | |
| | F | 6,135,396 | Whitfield, et al. | | | | |
| | G | 6,397,147 | Whithead | | | | |
| | H | 6,374,184 | Zahm, et al. | | | | |
| | I | 6,421,587 | Diana, et al. | | | | |
| | J | 6,135,396 | Whitfield, et al. | | | | |
| | K | 6,459,964 | Vu, et al. | | | | |
| | L | 6,377,877 | Doner | | | | |
| | M | 6,322,025 | Colbert, et al. | | | | |
| | N | 6,311,109 | Hawthorne, et al. | | | | |
| | O | 5,828,979 | Polivka, et al. | | | | |
| | P | 4,711,418 | Aver, Jr., et al. | | | | |
| | Q | 5,867,122 | Zahm, et al. | | | | |
| | R | 4,459,668 | Inoue, et al. | | | | |
| | S | 6,102,340 | Peek, et al. | | | | |
| | I | 5,533,695 | Heggestad, et al. | | | | |
| | U | 5,452,870 | Heggestad | | | | |
| | V | 5,340,062 | Heggestad | | | | |
| | W | 5,950,966 | Hungate, et al. | | | | |
| | X | 5,398,894 | Pascoe | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |
| *EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. | | | | | | | |

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| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | Y | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
| | Y | 6,049,745 | 04/11/00 | Douglas et al. | | | |
| | Z | 4,181,943 | 01/01/80 | Mercer, Sr. et al. | | | |
| | AA | 4,561,057 | 12/24/85 | Haley, Jr. et al. | | | |
| | AB | 5,072,900 | 12/17/91 | Malon | | | |
| | AC | 5,177,685 | 01/05/93 | Davis et al. | | | |
| | AD | 5,332,180 | 07/26/94 | Peterson et al. | | | |
| | AE | 5,364,047 | 11/15/94 | Petit et al. | | | |
| | AF | 5,394,333 | 02/28/95 | Kao | | | |
| | AG | 5,620,155 | 04/15/97 | Michalek | | | |
| | AH | 5,699,986 | 12/23/97 | Welk | | | |
| | AI | 5,740,547 | 04/14/98 | Kull et al. | | | |
| | AJ | 5,978,718 | 11/02/99 | Kull | | | |
| | AK | 5,995,881 | 11/30/99 | Kull | | | |
| | AL | 5,803,411 | 09/08/98 | Ackerman et al. | | | |
| | AM | 5,944,768 | 08/31/99 | Ito et al. | | | |
| | AN | 6,179,252 B1 | 01/30/01 | Roop et al. | | | |
| | AO | 6,345,233 B1 | 02/05/02 | Erick | | | |
| | AP | 6,371,416 B1 | 04/16/02 | Hawthorne | | | |
| | AQ | 6,373,403 B1 | 04/16/02 | Korver et al. | | | |
| | AR | 6,456,937 B1 | 09/24/02 | Doner et al. | | | |
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| | AT | 6,494,408 | 12/17/02 | Katzer | | | |
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| | AV | 5,541,981 | 7/30/96 | Lynn | | | |
| | AW | 6,519,512 | 2/11/03 | Haas, et al. | | | |
| EXAMINER | | | | | | DATE CONSIDERED | |
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| | | FILING DATE Herewith | | | | GROUP ART UNIT | |
| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| | AX | "Testimony of Jolene M. Molitoris, Federal Railroad Administrator, U.S. Department of Transportation before the House Committee on Transportation and Infrastructure Subcommittee on Railroads", Federal Railroad Administration, United States Department of Transportation, April 1, 1998. | | | | | |
| | AY | "System Architecture, ATCS Specification 100", May 1995. | | | | | |
| | BA | "A New World for Communications & Signaling", Progressive Railroading, May 1986. | | | | | |
| | BB | "Advanced Train Control Gain Momentum", Progressive Railroading, March 1986. | | | | | |
| | BC | "Railroads Take High Tech in Stride", Progressive Railroading, May 1985. | | | | | |
| | BD | Lyle, Denise, "Positive Train Control on CSXT", Railway Fuel and Operating Officers Association, Annual Proceedings, 2000. | | | | | |
| | BE | Lindsey, Ron A., "C B T M, Communications Based Train Management", Railway Fuel and Operating Officers Association, Annual Proceedings, 1999. | | | | | |
| | BF | Moody, Howard G, "Advanced Train Control Systems A System to Manage Railroad Operations", Railway Fuel and Operating Officers Association, Annual Proceedings, 1993. | | | | | |
| | BG | Ruegg, G.A., "Advanced Train Control Systems ATCS", Railway Fuel and Operating Officers Association, Annual Proceedings, 1986. | | | | | |
| | BH | Malone, Frank, "The Gaps Start to Close" Progressive Railroading, May 1987. | | | | | |
| | BI | "On the Threshold of ATCS", Progressive Railroading, December 1987. | | | | | |
| | BJ | "CP Advances in Train Control", Progressive Railroading, September 1987. | | | | | |
| | BK | "Communications/Signaling: Vital for dramatic railroad advances", Progressive Railroading, May 1988. | | | | | |
| | BL | "ATCS's System Engineer", Progressive Railroading, July 1988. | | | | | |
| | BN | "The Electronic Railroad Emerges", Progressive Railroading, May 1989. | | | | | |
| | BM | "C ³ Comes to the Railroads", Progressive Railroading, September 1989. | | | | | |
| | BO | "ATCS on Verge of Implementation", Progressive Railroading, December 1989. | | | | | |
| | BP | "ATCS Evolving on Railroads", Progressive Railroading, December 1992. | | | | | |
| | BQ | "High Tech Advances Keep Railroads Rolling", Progressive Railroading, May 1994. | | | | | |
| | BR | "FRA Promotes Technology to Avoid Train-To-Train Collisions", Progressive Railroading, August 1994. | | | | | |
| | BS | "ATCS Moving slowly but Steadily from Lab for Field", Progressive Railroading, December 1994. | | | | | |
| | BT | Judge, T., "Electronic Advances Keeping Railroads Rolling", Progressive Railroading, June 1995. | | | | | |
| | BU | "Electronic Advances Improve How Railroads Manage", Progressive Railroading, December 1995. | | | | | |
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| U.S. PATENT DOCUMENTS | | | |
| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | | |
| | BV | Judge, T., "BNSF/UP PTS Pilot Advances in Northwest", Progressive Railroading, May 1996. | |
| | BW | Foran, P., "Train Control Quandary, Is CBTC viable? Railroads, Suppliers Hope Pilot Projects Provide Clues", Progressive Railroading, June 1997. | |
| | BX | "PTS Would've Prevented Silver Spring Crash: NTSB", Progressive Railroading, July 1997. | |
| | BY | Foran, P., "A 'Positive' Answer to the Interoperability Call", Progressive Railroading, September 1997. | |
| | BZ | Foran, P., "How Safe is Safe Enough?", Progressive Railroading, October 1997. | |
| | CA | Foran, P., "A Controlling Interest In Interoperability", Progressive Railroading, April 1998. | |
| | CB | Derocher, Robert J., "Transit Projects Setting Pace for Train Control", Progressive Railroading, June 1998. | |
| | CC | Kube, K., "Variations on a Theme", Progressive Railroading, December 2001. | |
| | CD | Kube, K., "Innovation in Inches", Progressive Railroading, February 2002. | |
| | CE | Vantuono, W., "New York Leads a Revolution", Railway Age, September 1996. | |
| | CF | Vantuono, W., "Do you know where your train is?", Railway Age, February 1996. | |
| | CG | Gallamore, R., "The Curtain Rises on the Next Generation", Railway Age, July 1998. | |
| | CH | Burke, J., "How R&D is Shaping the 21st Century Railroad", Railway Age, August 1998. | |
| | CI | Vantuono, W., "CBTC: A Maturing Technology", Third International Conference On Communications Based Train Control, Railway Age, June 1999. | |
| | CJ | Sullivan, T., "PTC - Is FRA Pushing Too Hard?", Railway Age, August 1999. | |
| | CK | Sullivan, T., "PTC: A Maturing Technology", Railway Age, April 2000. | |
| | CL | Moore, W., "How CBTC Can Increase Capacity", Railway Age, April, 2001. | |
| | CM | Vantuono, W., "CBTC: The Jury is Still Out", Railway Age, June 2001. | |
| | CN | Vantuono, W., "New-tech Train Control Takes Off", Railway Age, May 2002. | |
| | CO | Union Switch & Signal Intermittent Cab Signal, Bulletin 53, 1998. | |
| | CP | GE Harris Product Sheet: "Advanced Systems for Optimizing Rail Performance" and "Advanced Products for Optimizing train Performance", undated. | |
| | CQ | GE Harris Product Sheet: "Advanced, Satellite-Based Warning System Enhances Operating Safety", undated | |
| | CR | Furman, E., et al., "Keeping Track of RF", GPS World, February 2001. | |
| | CS | Walker, Publication No. US 2001/0056544 A1, December 27, 2001. | |
| | CT | Gazit et al., Publication No. US 2002/0070879 A1, June 13, 2002. | |
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| | CU | Department of Transportation Federal Railroad Administration, Federal Register, Vol. 66, No. 155, pp. 42352-42396, August 10, 2001. | |
| | CV | | |
| | CW | | |
| | CX | | |
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LIST OF RELATED CASES

| Docket Number | Serial or Patent Number | Filing or Issue Date | Status or Patentee |
|----------------------|--------------------------------|-----------------------------|---------------------------|
| 3805-001-27 | 10/267,959 | October 10, 2002 | Pending |
| 3805-002-27 | 10/157,874 | May 31, 2002 | Pending |
| 3805-003-27 | 10/186,426 | July 2, 2002 | Pending |
| 3805-004-27 | 10/184,929 | July 1, 2002 | Allowed |
| ✓ 3805-006-27 | 10/440,129 | May 19, 2003 | Pending |
| 3805-007-27 | 10/267,962 | October 10, 2002 | Pending |
| 3805-008-27 | 10/331,768 | December 31, 2002 | Pending |
| 3805-009-27 | 10/300,852 | November 21, 2002 | Pending |
| ✓ 3805-010-27 | 10/392,850 | March 21, 2003 | Pending |
| ✓ 3805-016-27 | Pending | July 1, 2003 | Pending |
| ✓ 3805-21-27 | Pending | July 2, 2003 | Pending |

The cases listed on this Notice of Related Cases include cases which may contain information that is material to patentability. The listing of a case on this Notice should not be taken as an indication or admission that any information contained therein is material. Prior art for each case listed on this Notice may have been cited. **The files corresponding to the listed cases, which are available to the Examiner, may not have not been examined to ascertain the materiality of any prior art therein.** Accordingly, the Examiner is requested to review the file for each case listed on this Notice in order to assess the materiality of such prior art.